

REMARKS/ARGUMENTS

Claims 1 to 3, 7 to 10, 12, 13, and 47 to 61 were previously pending and undergoing examination. Claims 4 to 6, 11, and 14 to 18 stood withdrawn. Claims 1, 2, 13, 47, 56, 60 and 61 are herein amended. Claims 4 to 6, 8 to 11, 14 to 46, and 48 to 55 are canceled without prejudice. After entry of these amendments, claims 1, 2, 7, 12, 13, 47, and 56 to 61 will be pending and undergoing examination.

Claims 1 to 3, 7, 8, 12 to 13, and 47 to 58 stand rejected under 35 U.S.C. §112, first paragraph.

Claims 1, 7, to 8, 12, 47 to 50, 51, 55, 59 and 61 stand rejected as allegedly anticipated by Cardy et al. (WO95/31483) in view of Donnelly et al., PNAS.

Support for the amendments to the claims

Independent claims 1 and 56 were amended to set forth a translocation domain largely along the lines suggested by the Examiner, and also reciting "at least" before "95% identical" and also addressing an antecedent by replacing the recital of "the translocation domain of PE" with "a translocation domain of PE." Claim 1 was further amended to incorporate the limitation of dependent claim 3. Support for the "at least" is also found in the earlier version of the claim.

Claim 2 was amended to reflect changes in its antecedent basis occasioned by the amendments to claim 1.

Claim 13 was amended into independent claim format and incorporates the recitals of the previous version of claim 1, except as amended to set forth the translocation domain format above for amended claims 1 and 56 above.

Claim 47 was amended to largely conform with the translocation domain recital format suggested by the Examiner.

Claim 60 was amended to set forth "at least 95%" Support for this subject matter can be found in the specification at page 22, lines 27 to 28, page 30, lines 20 to 21, page 31, third full paragraph. page 31, fourth full paragraph, and page 16, first full paragraph.

Claim 61 was amended to correct a typographical error by inserting the word "acid" after the word "amino."

In view of the above, the Applicants believe the amendments to the claims add no new matter and respectfully request their entry.

Response to the rejection of claims 1 to 3, 7, 8, 12 to 13, and 47 to 58 under 35 U.S.C. §112, first paragraph.

Applicants thank the Examiner for suggesting a means of obviating the rejection. Each of the base claims is now amend to largely conform with the Examiner's suggestion.. Accordingly, the Applicants believe that the grounds for rejection has been obviated and respectfully request its withdrawal.

Response to the rejection of claims 1, 7, to 8, 12, 47 to 50, 51, 55, 59 and 61 under 35 U.S.C. §102(b).

Without acquiescing on the merits, and in order to expedite prosecution, the Applicants have amended the claims to obviate the grounds for rejection. Rejected claims 8 to 11, 14 to 46, and 48 to 55 are canceled without prejudice.

With respect to claim 1 and its dependent claims 2, 7, 12, 47, and 59 to 61, the Applicants have added the limitation of claim 3, which was not so rejected, to claim 1. Accordingly, the subject matter of claim 1 and its dependent claim now set forth subject matter which is admittedly novel.

Claim 13, which was not so rejected, is now placed in independent claim format.

Claim 56, which was not so rejected, is now also placed in independent claim format.

In view of the above, the Applicants respectfully request that the above grounds for rejection be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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